



Montgomery County Council

From the office of Councilmember Phil Andrews

News Release

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Statement by Councilmember Phil Andrews, lead sponsor of Montgomery County's Smoke-free Restaurant Law, on the court suit

The restaurant owners suing the county have chosen to put their convenience before the public's health. The County Council put the public's health first, rejecting an amendment to delay the law for two years, and approving the bill, 8-1.

As the lead sponsor of the new law, I worked closely with the co-sponsors Nancy Floreen, George Leventhal, Tom Perez and Mike Knapp to craft it to withstand an anticipated legal challenge. I am confident that this historic public health measure will be upheld in court.

Smoking inside a public restaurant is a public act that harms other people. Second hand smoke reduces heart function within the time it takes to eat a meal, increases the risk of lung cancer, and can trigger life-threatening asthma attacks. The desire of some to smoke in a restaurant must give way to the need of all patrons and workers for safe air.

The Council heard unrefuted expert testimony at the public hearing that **ventilation systems don't remove the many toxins in second-hand smoke.** The Council also heard testimony **that the objective studies of the economic effects of smoke-free restaurant laws on sales and employment show either no impact or a positive impact.**

The law doesn't cover private clubs because it is unclear whether the county has the legal authority under state law to include them. Workers in private clubs deserve the same protection as workers in public restaurants, but that protection may require state action.

All indoor public workplaces in Maryland, except restaurants, are already free of hazardous second-hand smoke. Montgomery County's Smoke-free Restaurant Law closes that glaring loophole here. The General Assembly needs to enact a similar law so that Maryland joins California, Connecticut, Delaware, Florida, New York City, and dozens of other jurisdictions in ensuring that the air inside public restaurants is safe to breathe. # # #